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SUBJECT: MALTA: IMMIGRATION DEBATE ROILS POLITICAL SCENE

REF: A. 08 VALLETTA 423

1B. VALLETTA 113

1C. VALLETTA 143

Classified By: CDA Jason L. Davis, per 1.4 (b) and (d).

¶1. (SBU) Summary: With 2008 and early 2009 bringing a record influx of African migrants to Malta from Libya, the issue of migration has risen to the top of the political agenda locally. The GOM has been criticized by NGOs, UNHCR, and even the Catholic Church for its detention policy, and Medecins Sans Frontieres recently announced its withdrawal from the closed detention centers, attributing the decision to the GOM's unwillingness to deal with the "appalling" conditions in the centers. EC Commissioner Jacques Barrot suggested in a recent visit that additional support for Malta from the EU might be forthcoming. A parliamentary debate on the issue produced calls for quotas and increased burden-sharing within the EU; the debate took place against the backdrop of strongly anti-immigrant Maltese public opinion. End summary.

DETENTION POLICY DRAWS WIDESPREAD CRITICISM

¶2. (SBU) With record numbers of immigrants arriving in 2008 (a total of 2700, up from less than 2000 the previous year) and the first three months of 2009 (more than 750, during what is normally the off season due to weather conditions) the issue of immigration has risen to the top of the agenda for the GOM. The GOM has been roundly criticized by NGOs, UNHCR, and -- most recently -- the Catholic Church, for its detention policy, according to which immigrants who arrive in Malta (normally after being rescued at sea in Malta's search and rescue area) are immediately detained upon arrival and held for up to 18 months (unless their asylum claim is approved, usually after 6-12 months, in which case they are released to an open center). Parliament debated the matter of immigration March 16-17, with opposition leader Joseph Muscat introducing an Action Plan that called for quotas on the number of migrants allowed to integrate and increased burden-sharing within the EU, as well as for improved conditions in the detention centers. The Minister for Justice and Home Affairs said it would be a mistake to set quotas, but expressed gratitude that opposition leader Muscat had supported the GOM detention policy.

MSF WITHDRAWS

¶3. (C) The debate came less than a week after Medecins Sans Frontiers (MSF) announced, on March 12, that it was withdrawing its personnel from the closed detention centers due to "appalling" and "inhumane" conditions and MSF's resulting inability to provide "adequate or effective treatment." MSF attributed the decision to withdraw its personnel from the closed detention centers in Malta in part to the GOM's unwillingness to improve conditions in the centers. MSF began operations in Malta six months ago, and had repeatedly emphasized the need for an "infirmary" (isolation center), pharmacy, and follow-up treatment for conditions diagnosed; MSF also criticized the GOM for detaining even some vulnerable individuals (though those are normally released relatively quickly), including minors and pregnant women. With poor sanitary conditions, the health of those who arrived in good condition was deteriorating. These

concerns have been echoed, publicly and privately, by UNHCR Head of Office Neil Falzon and IOM Head of Office Maria Pisani (please protect).

¶ 14. (SBU) MSF first notified the GOM that it was necessary to address these deficiencies in October 2008, but nearly six months later there was still no plan in place to remedy the situation. Last fall a chicken pox outbreak among detainees had highlighted the need for an isolation center, so that the outbreak and others like it could be contained; MSF also alleged that due to the lack of a pharmacy in the closed detention centers, the migrants were not receiving medication until up to two weeks after it was prescribed.

WORSE THAN DARFUR?

¶ 15. (C) Representatives from the U.S.-based International Medical Corps (IMC) visited Malta March 16-18 at the invitation of Minister John Dalli to see if the IMC could provide medical care within the detention centers either alongside MSF, or possibly in lieu of it. Jeff Goodman, a senior medical advisor with IMC, told Charge' after the group's visit to Safi Barracks, one of the closed detention centers, that the hopelessness of the detainees was unmatched even in camps in Darfur and northern Uganda, where there might be shortages of food or medicine, but where the inhabitants were treated with respect and had a clear sense that every effort was being made to address their needs. In Safi barracks at 11am, he reported, at least half of the residents had not even gotten out of their beds because there was "no reason" for them to do so. Goodman said he did not know whether IMC would be able to go into centers under such conditions, or what "value added" it might be able to provide.

SEEKING EU SUPPORT

¶ 16. (SBU) EC Commissioner for Justice, Freedom and Security Jacques Barrot suggested during a March 14-15 visit that additional support for Malta from the EU might be forthcoming. Malta had gone to extraordinary lengths to ensure (Ref A) that the principle of burden sharing was included in the EU Migration Pact for those countries "faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation." As the most densely populated country in the EU (Malta is an island 17 miles long and 8 miles wide with some 400,000 residents) this language was reportedly intended as a specific reference to Malta. To date, only France has offered to take refugees from Malta under the burden-sharing mechanism. (The French offer to take one group of 80 refugees pales in comparison to the ongoing U.S. Resettlement Program, which has resettled some 222 refugees from Malta in the past twelve months.)

¶ 17. (SBU) Barrot said he had come to Malta to understand the challenges Malta faced with the disproportionate burden of migration it faces. Barrot returned to Brussels convinced that Malta needed assistance with burden-sharing and additional resources to fund repatriation efforts and to improve reception facilities for migrants and asylum seekers. Barrot also indicated that there was a need for the proposed EU Asylum Agency, which Malta has offered to host (Ref B), and increased engagement with Libya, which has proven to be a challenge (though Malta did sign a Search and Rescue Memorandum of Understanding with Libya in March 2009 (Ref C). Barrot made it clear that Malta needed to improve conditions in the detention centers, and pointed out that there were additional funds that Malta could tap into for many of these efforts as the challenges require additional resources beyond what has already been allocated.

PARLIAMENT DEBATES

¶ 18. (SBU) The March 18-19 parliamentary debate likewise

produced calls for increased burden-sharing within the EU. Opposition leader Joseph Muscat's 20-point action plan accepted the government's detention policy, but advocated for improved conditions in the detention centers, including courses for the migrants to prepare them for life in the community, and more doctors in the centers. Muscat asked the GOM to categorically state the number of migrants it could host and permanently integrate in a suitable and sustainable manner. In conversations with Charge and PolOff, Alex Tortell, head of the GOM's Organization for the Integration and Welfare of Asylum Seekers (OIWAS) dismissed that proposal on the grounds that it was impossible to calculate in advance how many migrants Malta could assimilate in light of fluctuating economic conditions.

¶9. (SBU) Muscat criticized the GOM for not being stronger in promoting burden-sharing within the EU and not insisting on a timeframe by which the burden-sharing mechanism would become effective. Muscat added that the Dublin II agreement should be revised, specifically the rule by which the EU country where the migrants landed retained responsibility for them. Pushing further, Muscat suggested that Malta should assist asylum seekers and then move them along, effectively interpreting Malta's international obligations in a different way. Minister for Justice and Home Affairs Carmelo Mifsud Bonnici responded to Muscat's plan by welcoming Muscat's support for their detention policy. He then went on to state that Malta could not ignore its international obligations, which would have far greater implications, adding that Malta was not obliged to take all migrants who passed through Malta's territorial waters, only those who were in distress. Mifsud Bonnici moved on to say that Malta could not simply set out a no vacancy, sign and set quotas on the number of migrants it received when there were migrants in distress off the coast.

¶10. (SBU) Muscat's plan did not mention the issue of repatriation, which is a key tenet of the Government's plan. Of the 12,000 migrants who have arrived in Malta in the past five years (a number representing 3% of Malta's own population), an estimated 5,200 remain; around 150 have been repatriated in recent months under a new Assisted Voluntary Return (AVR) program that offers immigrants who accept airline tickets back to their home country a 5,000 euro stipend; another 300 have been resettled, three-quarters of those to the U.S. and the rest to various EU countries; while the rest have apparently moved on by various other means, presumably to find jobs elsewhere in Europe. Prime Minister Gonzi addressed AVR in Parliament, stating that Malta's membership in the EU allowed it to work with other EU countries to effect the return of immigrants who did not qualify for protected status. (Currently, the GOM does not have the diplomatic channels in place with many sub-Saharan African countries where the failed asylum seekers come from, but per the EU Migration Pact, Malta could rely on fellow EU Member States to assist in the repatriation efforts.)

ANTI-IMMIGRANT PUBLIC SENTIMENT DOESN'T STOP THE BISHOP OF GOZO

¶11. (SBU) Public sentiment in Malta is opposed to spending funds to improve conditions at the camps or providing expanded social services to immigrants, who are frequently subjected to intolerant (though almost never violent) treatment by Maltese nationals (even American citizens of African descent are sometimes refused entrance to nightclubs or not allowed to board public buses). With the recent riots by 500 failed asylum seekers at Safi barracks, the largest of the closed detention centers, in which mattresses were burned, classroom equipment destroyed and two officials injured, anti-immigrant sentiment against the migrants is currently running higher than ever. On April 3, Mario Grech, the Bishop of Gozo, surprised the overwhelmingly devout Roman Catholic population of the country by sharply criticizing the GOM detention policy, asking &Is it possible that a civilized country such as (Malta), having the values we think we are defined by, sees nothing wrong in keeping locked in

detention women and men who committed no crime and who are only here because they are seeking another country's protection?⁸ Grech called for an &honest, sincere and level-headed assessment⁸ of the current policy.

COMMENT

¶12. (C) While the GoM is taking slow steps to improve some of the conditions in the closed centers -- for example by replacing leaky, drafty tents with newly acquired caravans -- progress has been extremely slow. The issue is not so much funding, as EU funds do seem to be available, but poor organizational skills, an overtaxed bureaucracy (including the fact that the centers are badly overcrowded, making renovations extremely difficult), and, unfortunately, a sense among some mid-ranking government officials that improving conditions or shortening the detention period might create a "pull factor" (currently there are almost no immigrants who want to come to Malta; nearly all are brought here after being rescued at sea while en route to Italy). Most observers believe this fear to be misplaced, but it is real. The Prime Minister and other senior officials are sympathetic to the plight of the detainees, but have so far not managed to motivate the bureaucracy. We are somewhat hopeful that recent attention from the EU, and the new anti-detention policy enunciated by local Catholic Church leaders, might begin to change the dynamic for the better, and we will continue to use the goodwill engendered by our resettlement program to nudge the GOM to improve on camp conditions.

DAVIS